

## Assignment of Dockets to Voting Panels

Tenn. Code Ann. § 65-1-104(d) (2004) provides that:

The chair shall assign each matter before the authority to a panel of three (3) voting members, from among the directors. The fourth voting member of the authority, who is not assigned to a particular panel shall not vote or deliberate regarding such matters. The authority shall establish reasonable procedures for rotating the directors for assignment to panels in an efficient manner. Such procedures shall ensure that all voting members of the authority serve on an equal number of panels in a random fashion, to the extent practicable.

During the July 16, 2002 Authority Conference, the Authority adopted procedures for the assignment of Directors to newly-opened dockets. Such procedures are set forth in detail in the *Procedures for Assignment of Directors to Newly-Opened and Existing Dockets*, signed by all Directors and dated February 21, 2003. Pursuant to these procedures a computer program is used to assign three randomly chosen directors to newly-opened dockets. In order to monitor the process, the procedures require that an evaluation be done every three months or more often if necessary. The Directors charged the Chief of the Economic Analysis Division (now referred to as the Competitive Markets and Policy Division) with the performance of the evaluations. During the July 21, 2003 Authority Conference, the Directors unanimously decided that the evaluation interval should be extended to six months.

All evaluations have found that the mean number of dockets assigned to each panel is statistically equal across the panels, there is no tendency for the process to systematically favor one director at the expense of the others, and the assignments satisfy the requirements of Tenn. Code Ann. § 65-1-104(d) (2004).

The following table contains data compiled since July 2002.

<b>Time Interval</b>	<b>Panel</b>	<b>Number of Dockets</b>	<b>Percent of Docket Assigned</b>
<b>July – September 2002*</b>	Jones–Miller–Tate	81	23.14
	Kyle–Jones–Miller	84	24.00
	Kyle–Jones–Tate	83	23.71
	Kyle–Miller–Tate	102	29.14
<b>October – December 2002</b>	Jones–Miller–Tate	54	22.98
	Kyle–Jones–Miller	52	22.13
	Kyle–Jones–Tate	66	28.09
	Kyle–Miller–Tate	63	26.81
<b>January – March 2003</b>	Jones–Miller–Tate	54	22.31
	Kyle–Jones–Miller	62	25.62
	Kyle–Jones–Tate	72	29.75
	Kyle–Miller–Tate	54	22.31
<b>April – June 2003</b>	Jones–Miller–Tate	47	25.68
	Kyle–Jones–Miller	44	24.04
	Kyle–Jones–Tate	40	21.86
	Kyle–Miller–Tate	52	28.42
<b>July – December 2003</b>	Jones–Miller–Tate	60	25.21
	Kyle–Jones–Miller	64	26.89
	Kyle–Jones–Tate	60	25.21
	Kyle–Miller–Tate	54	22.69
<b>January – June 2004</b>	Jones–Miller–Tate	53	25.24
	Kyle–Jones–Miller	48	22.86
	Kyle–Jones–Tate	48	22.86
	Kyle–Miller–Tate	61	29.05

<b>July - December 2004</b>	Jones-Miller-Tate	83	28.23
	Kyle-Jones-Miller	72	24.49
	Kyle-Jones-Tate	70	23.81
	Kyle-Miller-Tate	69	23.47
<b>January - June 2005</b>	Jones-Miller-Tate	37	19.58
	Kyle-Jones-Miller	48	25.40
	Kyle-Jones-Tate	56	29.63
	Kyle-Miller-Tate	48	25.40
<b>January 2003 - June 2005</b>	Jones-Miller-Tate	334	24.63
	Kyle-Jones-Miller	338	24.93
	Kyle-Jones-Tate	346	25.52
	Kyle-Miller-Tate	338	24.93

\* The data for this time interval does not include dockets that were considered and acted upon in some manner by the agency prior to June 30, 2002, but that remained open and active after June 30, 2002.